

117TH CONGRESS  
1ST SESSION

# H. R. 2379

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IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Received; read twice and referred to the Committee on Health, Education,  
Labor, and Pensions

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## AN ACT

To amend the 21st Century Cures Act to reauthorize and expand a grant program for State response to the opioid use disorders crisis, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “State Opioid Response  
3 Grant Authorization Act of 2021”.

4 **SEC. 2. GRANT PROGRAM FOR STATE AND TRIBAL RE-**  
5 **SPONSE TO OPIOID AND STIMULANT USE AND**  
6 **MISUSE.**

7 Section 1003 of the 21st Century Cures Act (42  
8 U.S.C. 290ee–3 note) is amended to read as follows:

9 **“SEC. 1003. GRANT PROGRAM FOR STATE AND TRIBAL RE-**  
10 **SPONSE TO OPIOID AND STIMULANT USE AND**  
11 **MISUSE.**

12 “(a) IN GENERAL.—The Secretary of Health and  
13 Human Services (referred to in this section as the ‘Sec-  
14 retary’) shall carry out the grant program described in  
15 subsection (b) for purposes of addressing opioid and stim-  
16 ulant use and misuse, within States, Indian Tribes, and  
17 populations served by Tribal organizations and Urban In-  
18 dian organizations.

19 “(b) GRANTS PROGRAM.—

20 “(1) IN GENERAL.—Subject to the availability  
21 of appropriations, the Secretary shall award grants  
22 to States, Indian Tribes, Tribal organizations, and  
23 Urban Indian organizations for the purpose of ad-  
24 dressing opioid and stimulant use and misuse, within  
25 such States, such Indian Tribes, and populations  
26 served by such Tribal organizations and Urban In-

1       dian organizations, in accordance with paragraph  
2       (2).

3               “(2) MINIMUM ALLOCATIONS; PREFERENCE.—

4       In determining grant amounts for each recipient of  
5       a grant under paragraph (1), the Secretary shall—

6               “(A) ensure that each State receives not  
7       less than \$4,000,000; and

8               “(B) give preference to States, Indian  
9       Tribes, Tribal organizations, and Urban Indian  
10       organizations whose populations have an inci-  
11       dence or prevalence of opioid use disorders or  
12       stimulant use or misuse that is substantially  
13       higher relative to the populations of other  
14       States, other Indian Tribes, Tribal organiza-  
15       tions, or Urban Indian organizations, as appli-  
16       cable.

17               “(3) FORMULA METHODOLOGY.—

18               “(A) IN GENERAL.—Before publishing a  
19       funding opportunity announcement with respect  
20       to grants under this section, the Secretary  
21       shall—

22               “(i) develop a formula methodology to  
23       be followed in allocating grant funds  
24       awarded under this section among grant-

1           ees, which includes performance assess-  
2           ments for continuation awards; and

3           “(ii) not later than 30 days after de-  
4           veloping the formula methodology under  
5           clause (i), submit the formula methodology  
6           to—

7                       “(I) the Committee on Energy  
8                       and Commerce and the Committee on  
9                       Appropriations of the House of Rep-  
10                      representatives; and

11                     “(II) the Committee on Health,  
12                     Education, Labor, and Pensions and  
13                     the Committee on Appropriations of  
14                     the Senate.

15           “(B) REPORT.—Not later than two years  
16           after the date of the enactment of the State  
17           Opioid Response Grant Authorization Act of  
18           2021, the Comptroller General of the United  
19           States shall submit to the Committee on  
20           Health, Education, Labor, and Pensions of the  
21           Senate and the Committee on Energy and Com-  
22           merce of the House of Representatives a report  
23           that—

24                     “(i) assesses how grant funding is al-  
25                     located to States under this section and

1           how such allocations have changed over  
2           time;

3           “(ii) assesses how any changes in  
4           funding under this section have affected  
5           the efforts of States to address opioid or  
6           stimulant use or misuse; and

7           “(iii) assesses the use of funding pro-  
8           vided through the grant program under  
9           this section and other similar grant pro-  
10          grams administered by the Substance  
11          Abuse and Mental Health Services Admin-  
12          istration.

13          “(4) USE OF FUNDS.—Grants awarded under  
14          this subsection shall be used for carrying out activi-  
15          ties that supplement activities pertaining to opioid  
16          and stimulant use and misuse, undertaken by the  
17          State agency responsible for administering the sub-  
18          stance abuse prevention and treatment block grant  
19          under subpart II of part B of title XIX of the Public  
20          Health Service Act (42 U.S.C. 300x–21 et seq.),  
21          which may include public health-related activities  
22          such as the following:

23                 “(A) Implementing prevention activities,  
24                 and evaluating such activities to identify effec-

1           tive strategies to prevent substance use dis-  
2           orders.

3           “(B) Establishing or improving prescrip-  
4           tion drug monitoring programs.

5           “(C) Training for health care practitioners,  
6           such as best practices for prescribing opioids,  
7           pain management, recognizing potential cases  
8           of substance use disorders, referral of patients  
9           to treatment programs, preventing diversion of  
10          controlled substances, and overdose prevention.

11          “(D) Supporting access to health care  
12          services, including—

13                 “(i) services provided by federally cer-  
14                 tified opioid treatment programs;

15                 “(ii) outpatient and residential sub-  
16                 stance use disorder treatment services that  
17                 utilize medication-assisted treatment, as  
18                 appropriate; or

19                 “(iii) other appropriate health care  
20                 providers to treat substance use disorders.

21          “(E) Recovery support services, includ-  
22          ing—

23                 “(i) community-based services that in-  
24                 clude peer supports;

1                   “(ii) mutual aid recovery programs  
2                   that support medication-assisted treat-  
3                   ment; or

4                   “(iii) services to address housing  
5                   needs and family issues.

6                   “(F) Other public health-related activities,  
7                   as the State, Indian Tribe, Tribal organization,  
8                   or Urban Indian organization determines appro-  
9                   priate, related to addressing substance use dis-  
10                  orders within the State, Indian Tribe, Tribal or-  
11                  ganization, or Urban Indian organization, in-  
12                  cluding directing resources in accordance with  
13                  local needs related to substance use disorders.

14                  “(c) ACCOUNTABILITY AND OVERSIGHT.—A State re-  
15                  ceiving a grant under subsection (b) shall include in re-  
16                  porting related to substance use disorders submitted to the  
17                  Secretary pursuant to section 1942 of the Public Health  
18                  Service Act (42 U.S.C. 300x-52), a description of—

19                  “(1) the purposes for which the grant funds re-  
20                  ceived by the State under such subsection for the  
21                  preceding fiscal year were expended and a descrip-  
22                  tion of the activities of the State under the grant;

23                  “(2) the ultimate recipients of amounts pro-  
24                  vided to the State; and

1           “(3) the number of individuals served through  
2           the grant.

3           “(d) LIMITATIONS.—Any funds made available pur-  
4           suant to subsection (i)—

5           “(1) shall not be used for any purpose other  
6           than the grant program under subsection (b); and

7           “(2) shall be subject to the same requirements  
8           as substance use disorders prevention and treatment  
9           programs under titles V and XIX of the Public  
10          Health Service Act (42 U.S.C. 290aa et seq., 300w  
11          et seq.).

12          “(e) INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND  
13          URBAN INDIAN ORGANIZATIONS.—The Secretary, in con-  
14          sultation with Indian Tribes, Tribal organizations, and  
15          Urban Indian organizations, shall identify and establish  
16          appropriate mechanisms for Indian Tribes, Tribal organi-  
17          zations, and Urban Indian organizations to demonstrate  
18          or report the information as required under subsections  
19          (b), (c), and (d).

20          “(f) REPORT TO CONGRESS.—Not later than Sep-  
21          tember 30, 2024, and biennially thereafter, the Secretary  
22          shall submit to the Committee on Health, Education,  
23          Labor, and Pensions of the Senate and the Committee on  
24          Energy and Commerce of the House of Representatives,  
25          and the Committees on Appropriations of the House of

1 Representatives and the Senate, a report that includes a  
2 summary of the information provided to the Secretary in  
3 reports made pursuant to subsections (c) and (e), includ-  
4 ing—

5           “(1) the purposes for which grant funds are  
6           awarded under this section;

7           “(2) the activities of the grant recipients; and

8           “(3) for each State, Indian Tribe, Tribal orga-  
9           nization, and Urban Indian organization that re-  
10          ceives a grant under this section, the funding level  
11          provided to such recipient.

12          “(g) TECHNICAL ASSISTANCE.—The Secretary, in-  
13          cluding through the Tribal Training and Technical Assist-  
14          ance Center of the Substance Abuse and Mental Health  
15          Services Administration, shall provide States, Indian  
16          Tribes, Tribal organizations, and Urban Indian organiza-  
17          tions, as applicable, with technical assistance concerning  
18          grant application and submission procedures under this  
19          section, award management activities, and enhancing out-  
20          reach and direct support to rural and underserved commu-  
21          nities and providers in addressing substance use disorders.

22          “(h) DEFINITIONS.—In this section:

23                 “(1) INDIAN TRIBE.—The term ‘Indian Tribe’  
24                 has the meaning given the term ‘Indian tribe’ in sec-

1 tion 4 of the Indian Self-Determination and Edu-  
2 cation Assistance Act (25 U.S.C. 5304).

3 “(2) TRIBAL ORGANIZATION.—The term ‘Tribal  
4 organization’ has the meaning given the term ‘tribal  
5 organization’ in such section 4.

6 “(3) STATE.—The term ‘State’ has the mean-  
7 ing given such term in section 1954(b) of the Public  
8 Health Service Act (42 U.S.C. 300x–64(b)).

9 “(4) URBAN INDIAN ORGANIZATION.—The term  
10 ‘Urban Indian organization’ has the meaning given  
11 such term in section 4 of the Indian Health Care  
12 Improvement Act.

13 “(i) AUTHORIZATION OF APPROPRIATIONS.—

14 “(1) IN GENERAL.—For purposes of carrying  
15 out the grant program under subsection (b), there is  
16 authorized to be appropriated \$1,750,000,000 for  
17 each of fiscal years 2022 through 2027, to remain  
18 available until expended.

19 “(2) FEDERAL ADMINISTRATIVE EXPENSES.—  
20 Of the amounts made available for each fiscal year  
21 to award grants under subsection (b), the Secretary  
22 shall not use more than 20 percent for Federal ad-  
23 ministrative expenses, training, technical assistance,  
24 and evaluation.

